

ORIGINAL

You have heard testimony from an undercover agent and from a cooperating defendant who were involved in the government's investigation in this case. Law enforcement officials are not precluded from engaging in stealth and deception, such as the use of cooperating defendants and undercover agents, in order to apprehend persons engaged in criminal activities. Undercover agents and cooperating defendants may properly make use of false names and appearances and may properly assume the roles of members in criminal organizations. The government may utilize a broad range of schemes and ploys to ferret out criminal activity.

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
FEB 16 2006  
at 10:00 a.m. and 10:00 a.m.  
SUE BEITIA, CLERK

CR04-00363SOM  
USA vs. (02) Scott Stadnisky  
(04) Daniel Myers

You have heard testimony from William Clifford, a witness who testified in exchange for a promise by the government that the witness' truthful testimony will not be used in any case against the witness, and who pleaded guilty to a crime arising out of the same events for which the defendants are on trial. This guilty plea is not evidence against the defendants, and you may consider it only in determining this witness' believability. For these reasons, in evaluating William Clifford's testimony, you should consider the extent to which or whether William Clifford's testimony may have been influenced by any of these factors. In addition, you should examine William Clifford's testimony with greater caution than that of other witnesses.

In giving you these instructions in this manner, I am not indicating what weight, if any, you should give to any particular evidence. As I told you earlier, you must consider all of the evidence in determining the facts of this case. You must also follow all of my instructions as a whole. You have no right to disregard or give special attention to any one instruction or to question the wisdom or correctness of any rule I may state to you.